

The Wall Street Journal calls Harry Wu "A hero of our time. A dissident of the stature of Vaclav Havel and Anatoly Scharansky, like them he suffered for his principles and speaks from personal experience." Harry Wu is an American citizen who was traveling with valid American papers, and was granted a visa from the Chinese Government. As an American citizen, Harry's rights, under the consular agreement between the two countries, to meet a U.S. Embassy official, within 48 hours of an official request, were violated. It took more than 20 days to arrange a meeting. When finally arranged, the conversation took place through thick glass and telephones, with armed supervision making sure the case was not being discussed. The Chinese Government and has continued to violate basic human rights of its own citizens, and is now doing the very same to a U.S. citizen. The United States cannot continue to reward China for these crimes with the most favored nation [MFN] status, as long as Harry's rights and so many others are being violated.

The Chinese Government calls all of these admirable and courageous acts preformed by Harry Wu espionage and treason. I call them worthy of the Nobel Prize, not the death penalty.

#### PERSONAL EXPLANATION

#### HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. BROWDER. Mr. Speaker, due to malfunction of my pager yesterday, I missed the vote on final passage of the Energy and Water Appropriations Act.

Had I been present I would have voted "yea" on rollcall 494.

I ask unanimous consent that a statement to this effect appear in the permanent RECORD following that vote.

#### THE NEW HOUSE ORDER: BUSY- WORK UP—PRODUCTIVITY DOWN

#### HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mrs. SCHROEDER. Mr. Speaker, per today's Roll Call analysis, the House, under Republican rule for the first time in 40 years, has compiled a dismal productivity record so far this year. It's Parkinson's Law at its worst: more activity and less work.

Here are the gory details. As compared to the 103d Congress at this point in 1993, January 3–June 30, the House has been in session 15 percent more days and 70 percent more hours. So much for family friendly. It churned out 52 percent more pages in the CONGRESSIONAL RECORD—the "Hot Air Index"; and has had twice as many recorded votes—the "Busy Work Index." Yet it passed 15 percent fewer bills and had zero public bills enacted into law.

The Senate's record is marginally better, but nothing to write home about.

#### CONGRESS' BOX SCORE

The workload figures are in for the first six months of the year. Here's a comparison of

Congress' effort so far this year against the same time period in 1993:

	House (January 3– June 30)	
	104th Congress	103d Congress
Days in session .....	90	78
Hours in session .....	774	454
Pages in Congressional Record .....	6,699	4,409
Public bills enacted into law .....	10	20
Measures passed, total .....	183	208
Measures reported, total .....	164	157
Conference reports .....	7	4
Measures pending on calendar .....	30	22
Measures introduced, total .....	2,358	3,124
Yea-and-nay votes .....	117	141
Recorded votes .....	338	164
Bills vetoed .....	1	0

  

	Senate (January 3– June 30)	
	104th Congress	103d Congress
Days in session .....	108	85
Hours in session .....	950	587
Pages in Congressional Record .....	9,596	8,381
Public bills enacted into law .....	10	23
Measures passed, total .....	154	172
Measures reported, total .....	118	114
Conference reports .....	0	0
Measures pending on calendar .....	93	53
Measures introduced, total .....	1,218	1,452
Yea-and-nay votes .....	296	192
Bills vetoed .....	0	0

<sup>1</sup> All bills signed into law this year have originated in the Senate. Source: Congressional Record.

#### INTRODUCTION OF THE GUAM WAR RESTITUTION ACT

#### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation to address the mistakes that were made immediately following the occupation and liberation of Guam in World War II. My bill, the Guam War Restitution Act, would authorize the payment of claims for the people of Guam who endured the atrocities of the occupation, including death, personal injury, forced labor, forced march, and internment in concentration camps. I am introducing this bill today in honor of Mrs. Beatrice Flores Emsley, a great American and advocate of the Chamorro people and their struggle for recognition of their sacrifices on behalf of this great Nation during occupation of our island.

Mrs. Beatrice Flores Emsley has been a leader in this effort, and the bill I am introducing is made possible to a large degree by her work over decades to see that justice is done. She is a legend on our island, and her story of courage and survival against all odds is an inspiration to our people. Mrs. Emsley miraculously survived an attempted beheading in the closing days of the Japanese occupation. She, and a group of Chamorros, were rounded up in the city of Agana and were slated for execution. She was struck on the neck by a sword, was shoved into a shallow grave and left for dead. When she regained consciousness, Mrs. Emsley crawled out and made it to safety. Her survival, and the survival of others at mass executions, was as if the Good Lord ordained that there would be people to bear witness to these events.

Mr. Speaker, I regret to inform this body and this Nation that Mrs. Emsley is seriously ill at this moment on Guam. Our thoughts and prayers are with her today and with her family.

I am introducing this bill to let her know that her work is appreciated, her courage is admired, and her love of her people is reciprocated by all those who know her. She has testified in hearings on the war restitution bills that I have introduced, and on a bill to establish a memorial on Guam in honor of our people as part of the 50th anniversary of liberation commemoration last year. Each time her testimony has been powerful and poignant. Each time she has affected all the Members of Congress and congressional staffers who listened to her story. And each time she has helped us to move war restitution forward. I respectfully acknowledge the work and contributions of Mrs. Beatrice Flores Emsley as I call on my colleagues to enact the Guam War Restitution Act.

This is a year of commemoration as we look back 50 years to the Allied victory in Europe and the Pacific. This is also a year of healing for the remaining survivors and descendants of victims of wartime atrocities. While events such as the Holocaust receive vast media attention, there are other dreaded experiences that do not receive this attention and have not received proper restitution. Today, I introduce the Guam War Restitution Act that will compensate the American nationals on Guam who endured great hardship during the war and will help them to finally heal their wounds.

This is not the first time I have spoken to this House and to the American people about the wartime atrocities that were endured during World War II by the people of Guam, and I will continue telling the Nation until we bring justice to these people. It is the job of this Congress to correct the oversight of past Congresses and show the Chamorros that their Government remembers and values the loyalty they demonstrated to the United States during World War II.

From the invasion day of December 10, 1941, to liberation day on July 21, 1944, Guam was the only American soil with American nationals occupied by an enemy; something that had not happened on American soil since the War of 1812. Throughout the occupation, the American nationals' loyalty to the United States would not bend. They even defied the occupiers by providing food and shelter for American sailors who had evaded initial capture by the enemy.

In the months prior to the liberation, thousands of Chamorros were made to perform forced labor by building defenses and runways for the enemy or working in the rice paddies. Thousands were forced to march from their villages in northern and central Guam to internment camps in southern Guam. Everyone marched; old men and women, newborn babies, children, and the sick. They were marched to internment camps at Maimai, Malojo, and Manengon, where they awaited their fate—many did not live to see liberation. Once the Japanese realized the end of their occupation was close at hand, they began to execute these victims of war, some by beheadings. Mass executions at Fena, Faha, and Tinta and other atrocities were committed by the enemy forces as their fate became apparent.

There have been several opportunities in the past for Guam to receive war reparations; however, all failed to include Guam or did not provide ample opportunity for the people of Guam to make their claims.

The Guam Meritorious Claims Act of 1946 contained several serious flaws that were brought to Congress's attention in 1947 by the Hopkins Commission and by Secretary of the Interior Harold Ickes. Both the Hopkins Commission and Secretary Ickes recommended that the Guam Act be amended to correct serious problems. Both also noted that Guam was a unique case and that Guam deserved special consideration due to the loyalty of the people of Guam during the occupation.

The problems with this act include:

The act allowed only 1 year for claimants to file with the Claims Commission. Many Chamorros were not aware of the Claims Commission's work due to language barriers, displacement from their homes, and misunderstanding of the procedures. Instead of speeding up the process, the deadline served no useful purpose except to deny valid claims filed after the December 1, 1946, deadline.

It required that claims be settled based on prewar 1941 values. Therefore, property claims were undervalued and residents of Guam were not able to replace structures destroyed during the war.

The act did not allow compensation for forced march, forced labor, and internment during the enemy occupation. Another law, the War Claims Act of 1948, allowed for compensation for American citizens and American nationals for internment and forced labor; however, Guam was excluded from this act even though it was the only American territory occupied in the war.

It allowed death and injury claims only as a basis for property claims. This was another provision unique to the Guam law and an unexplained stipulation. The Guam bill, Senate bill S. 1139, was actually modeled on a claims bill passed for other Americans in 1943, the Foreign Claims Act. The legislative history for the Foreign Claims Act emphasized the need to address these claims. In a floor statement on April 12, 1943, in support of passage of this bill, Senator Barkley noted that, "it is necessary to do this in order to avoid injustices in many cases, especially in cases of personal injury or death."—Senate Report 145, 78th Congress, 1st Session, pp. 2–3. The original language for S. 1139, following the Foreign Claims Act model language, allowed the Claims Commission to adjudicate claims for personal injury and death. But the language was amended by the Senate Naval Affairs Committee to ensure that the U.S. Government, and specifically the Navy, would not be setting a precedent or legal obligation for the Navy—CONGRESSIONAL RECORD, 79th Congress, 1st Session, pp. 9493–9499. However, these types of concerns were not raised for the almost identical situation of the Philippines or other American citizens or nationals when the War Claims Act of 1948 was passed by Congress.

Finally, the Guam Meritorious Claims Act encouraged Chamorros to settle claims for lesser amounts due to the time delay in having claims over \$5,000 sent to Washington for congressional approval. Again, this was a procedure unique to the Guam law. No such requirement existed for those covered under the 1948 War Claims Act. The net effect on Guam was that Chamorros with property damage over \$5,000 would lower their claims just so that they could be compensated in some fashion and get on with their lives.

These flaws could have been rectified had Guam been included in the 1948 War Claims Act or the 1962 amendment to the act. Unfortunately for the Chamorros, Guam was not included.

The Treaty of Peace with Japan, signed on September 8, 1951, by the United States and 47 Allied Powers, effectively precluded the just settlement of war reparations for the people of Guam against their former occupiers. In the treaty, the United States waived all claims of reparations against Japan by United States citizens. The people of Guam were included in this treaty by virtue of the Organic Act of Guam which gave American citizenship to the people on August 1, 1950.

The bitter irony then is that the loyalty of the people of Guam to the United States has resulted in Guam being forsaken in war reparations.

So while the United States provided over \$2 billion to Japan and \$390 million to the Philippines after the war, Guam's total war claims have amounted to \$8.1 million, and the Guam War Reparations Commission has on file 3,365 cases of filed claims that were never settled. This is a grave injustice whose time has come to an end. It is our duty to bring justice to these people and their descendants; that is why I now propose the Guam War Resitution Act.

Not only will this act provide monetary support to the survivors and their descendants, it will also assure them that the United States recognizes the true loyalty of the people of Guam.

This act will provide for the Guam trust fund from which awards the benefits will be paid to the claimants. This fund will be established by a 0.5 percent surcharge on military sales to Japan and any gifts or donations of funds, services, or property.

Luisa Santos, a survivor of the Tinta Masacre, once told me,

I have fought hard and suffered, and no one has ever been able to help me or my children, but justice must be done. Even if you have to go to the President of the United States, let him know that the Japanese invaded Guam not because they hated the Chamorro people. The Japanese invaded Guam because we were a part of the United States, and we were proud of it.

Mrs. Santos passed away shortly after our conversation.

Mrs. Emsley, in testifying before a House subcommittee on May 27, 1993, ended her statement with the powerful plea of one who has survived and who daily bears witness to the suffering of the Chamorro people. Mrs. Emsley simply ended by saying, "All we ask Mr. Chairman, is recognize us please, we are Americans."

We cannot wait and hope that the last survivors will pass away before any action is taken. This event will never be forgotten by the people of Guam, and the Government's unwillingness to compensate victims such as Mrs. Santos and Mrs. Emsley will only serve to deepen the wounds they have already incurred, and deepen the bitterness of the Chamorro people.

I believe it is time to truly begin the healing process, and passage of the Guam War Resitution Act is the first step.

## THE S CORPORATION REFORM ACT OF 1995

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 13, 1995

Mr. SHAW. Mr. Speaker, I rise today to introduce legislation to strengthen small and family-owned businesses. Recently we have grown more aware of the burdens that regulations and tax complexities place on small and family-owned businesses. It is time for us to enact legislation to help the businesses that are the driving force of the American economy. The S Corporation Reform Act of 1995 will provide such support. Today almost 1.9 million businesses pay taxes as S corporations and the vast majority of these are small businesses. The S Corporation Reform Act of 1995 is targeted to growing these small businesses by improving their access to capital, by preserving family-owned businesses, and by simplifying many of the outdated, unnecessary, and complex rules for S corporations.

Under current law, S corporations face obstacles and limitations not imposed on other forms of entities. The rules governing S corporations need to be modernized to bring them more on par with partnerships and C corporations. For instance, S corporations are unable to turn to nontraditional sources of financing such as venture capitalists and pension funds because they are unable to offer inducements that partnerships or C corporations can offer. This has greatly hindered their growth as traditional sources of debt financing, such as commercial bank loans, can at times be hard to get, especially for smaller businesses. This bill would expand S corporations access to capital by increasing the number of permitted shareholders from 35 to 75, by permitting tax-exempt entities to be shareholders, and by allowing nonresident aliens to own S corporation stock. More importantly, S corporations would be allowed to issue convertible preferred stock opening the door to the venture capital market.

Additionally, the bill helps preserve family-owned businesses by counting all family members as one shareholder for purposes of S corporation eligibility and better enabling families to establish trusts funded by S corporation shares. Under current law, multi-generational family businesses are threatened by the artificial 35 shareholder limit which counts each family member as one shareholder. S corporations also do not have access to the same estate planning techniques available to C corporation owners since there are restrictions on the types of trusts permitted to be shareholders of an S corporation.

Another important feature of this bill is the flexibility it would offer to S corporations and their shareholders in structuring their business operations. Under the bill, S corporations would be allowed to hold wholly-owned corporate subsidiaries that would for Federal tax purposes be effectively treated as a division or branch of the parent company. From a compliance perspective, only one tax return would be filed by the corporations, which would significantly simplify the compliance burden imposed by present law.

Further, the bill would eradicate a number of outmoded and arcane provisions some of which date back to enactment of the S corporation in 1958. For example, S corporations